UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ALEXANDER FLEISS, Individually and on behalf of others similarly situated, Plaintiff, Case No. 07-CV-3753 (LAK) **ECF** Case VS. OPTIONABLE, INC., MARK NORDLICHT, KEVIN CASSIDY, EDWARD J. O'CONNOR, ALBERT HELMIG, and MARC-ANDRE BOISSEAU, Defendants. EDWARD PETERS, Individually and on behalf of others similarly situated, Plaintiff, Case No. 07-CV-3877 (LAK) ECF Case VS. OPTIONABLE, INC., MARK NORDLICHT, KEVIN [RELATED ACTION] P. CASSIDY, EDWARD J. O'CONNOR, ALBERT HELMIG, and MARC-ANDRE BOISSEAU, Defendants. JAGDISH PATEL, on behalf of himself and all others similarly situated, Plaintiff, Case No. 07-CV-3845 (LAK) VS. **ECF Case** OPTIONABLE, INC., KEVIN CASSIDY, and EDWARD J. O'CONNOR, [RELATED ACTION]

AFFIDAVIT OF RICHARD W. COHEN IN SUPPORT OF MOTION FOR AN ORDER PERMITTING LOWEY DANNENBERG BEMPORAD SELINGER & COHEN, P.C. TO WITHDRAW AS COUNSEL FOR DEFENDANT OPTIONABLE, INC.

STATE OF NEW YORK)
): ss
COUNTY OF WESTCHESTER)

RICHARD W. COHEN, being duly sworn, deposes and says:

Defendants.

1. On May 21, 2007 Defendant Optionable, Inc. and Lowey Dannenberg Bemporad

Selinger & Cohen. P.C. ("LDBSC") entered into an agreement for LDBSC to appear for it and defend the above-captioned actions.

- On May 21, 2007 LDBSC appeared in the above-entitled actions as counsel for Defendant Optionable, Inc.
- 3. On May 24, 2007 the Court scheduled an initial pretrial conference to be held on June 18, 2007, in the absence of an agreed scheduling agreement.
- 4. On May 29, 2007, Defendant Optionable, Inc. informed LDBSC that despite its complete satisfaction with LDBSC's services, it had hired another law firm to defend it in the above-entitled actions, and asked LDBSC to withdraw as counsel.
- Accordingly, LDBSC makes this motion to withdraw as counsel for Optionable,
 Inc.

Dated: White Plains, New York May 31, 2007

Richard W. Cohen

Sworn to before me on this 31 day of May, 2007

NOTARY PUBLIC

SYLVIA HOFFMANN
Notary Public, State of New York
No. 01HO4804554
Qualified in Queens County
Commission Expires 5/3/20/0